

**Singh, Sunny**

**From:** Singh, Sunny  
**Sent:** Wednesday, September 02, 2009 5:15 PM  
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**Cc:** Gruenberger, Peter; Bernstein, Mark  
**Subject:** Re: Derivatives ADR Procedures

Counsel:

Debtors attach hereto a blackline version of the Derivatives ADR Procedures order reflecting changes we have made to the order since the August 28, 2009 version that we circulated per the email below. This latest blackline deals primarily with provisions for Indenture Trustees and modifies in clean fashion paragraph 10 of the order relating to mediators. Please note that counsel for the Creditors' Committee supports the enclosed modifications.

Because Judge Peck requested Debtors and the Committee to make a written report in advance of the September 15, 2009 adjourned hearing, we ask that each counsel on behalf of your Derivatives Counterparty and Indenture Trustee clients respond by email no later than **5:00 p.m. on September 10, 2009** (Prevailing Eastern Time) to me with cc: to Peter Gruenberger and Mark Bernstein. We ask again that you please signify whether, in light of all of these proposed modifications, your client's objection will be withdrawn in whole or in part, and if in part, which parts by reference to paragraph numbers in its objection. If there is any specific substantive language change you wish Debtors to consider, please provide that to us as soon as possible. Thank you again.

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Peter Gruenberger/NY/WGM/US

08/28/2009 12:36 PM

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cc

Subject Derivatives ADR Procedures

Counsel:

In light of the August 26 hearing and Judge Peck's remarks and other matters reflected on the record Wednesday, upon review of the remaining objections on file, Debtors are willing to volunteer to make modifications to the Revised Proposed Order. We propose the changes set forth in the attached blacklined revision to Exhibit "B" to Debtor's Omnibus Responses dated August 24, 2009. In an effort to accelerate the process of attempting to compromise our outstanding differences well before the September 15 hearing date, we transmit these proposed modifications now, with the caveat that we have not yet dealt with specific Indenture Trustee issues; modifications relating to those issues will be reflected in a separate transmittal as soon as possible. Please note that counsel for the Creditor's Committee supports the enclosed modifications. We ask that each counsel on behalf of your Derivatives Counterparty client respond by email promptly to modifications will be withdrawn in whole or in part, and if in part, which parts by reference to paragraph numbers in its objection. If there is any specific substantive language change you wish Debtors to consider please provide that to us as soon as possible. Thank you in advance for your cooperation.

Peter Gruenberger

[attachment "Revised Proposed Order (ADR)- blackline (9v7).doc" deleted by Sunny Singh/NY/WGM/US] [attachment "US\_ACTIVE\_Exhibits to Revised Proposed Order (ADR)\_43146958\_1.DOC" deleted by Sunny Singh/NY/WGM/US]



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ADR Procedures ...